No. 130-1
Water Division No. 1 Belle Fourche River District

(Blanks to be filled by the Engineer for the W. R. C.)

STATE WATER RESOURCES COMM.
PIERRE, SOUTH DAKOTAVESTED RIGHT
APPLICATION FOR PERMIT

To Appropriate Water within the State of South Dakota

(NOTE—Draw a line through items not applicable.) Foothills Ranch Inc.

1. Name of applicant Foothills Ranch Inc.
 Postoffice address Box 57779, St. Cingo, Lawrence, S. Dak.

I If a corporation

(a) Name of same

(b) Date and place of incorporation

(c) Amount of capital stock

(d) Amount paid in

(e) Names and addresses of directors

(NOTE—A certified copy of articles of incorporation must accompany the application.)

II. Method of accomplishing the work and financial resources of the applicant:

(a) Method of accomplishing work (Whether by contract, employment of others, or by direct labor)

(b) Cash on hand, \$

(c) Treasury stock, \$

(d) Bonds to be issued, \$

(e) Other resources, \$

2. Name of diversion work Stephens Irrigation Project3. Amount of water claimed 1.0 cubic foot per second4. Source of water Spring & digout adjacent to false bottom Cr5. Location of point of diversion Spring & digout located in the NE¹ SE¹, Section 16, T7N, R2E on Lawrence County.6. Annual period or periods during which water is to be used April thru October

7. To be used for:

I. Irrigation or domestic use: Gravity, overhead sprinkling or combination system? Sprinkler(a) Number of acres to be irrigated 70 acres.(b) Legal subdivisions to be irrigated Sec 16, NW¹ SE¹, 20th, NE¹ SE¹, 22nd SE¹ NE¹ 8th, SE¹ SE¹ 2nd, S. 15th N. 15th W. 15th R. 2E, R. 11th T. 7N, R. 2E
 (NOTE—A list of lands to be irrigated, giving each subdivision and fraction with acreage thereof, should be written here, or may be appended as a part of this application. Same must also be shown on accompanying map.)

(c) Statement as to domestic use (giving location, etc.)

II. Stockwatering, mining, milling, power, fish culture, fire protection and public recreation:

(a) Nature of use

Name any of the above uses claimed

(b) Amount of power to be generated horse power.

Amount claimed for engine cooling

(c) Location of plant

(d) Method of developing power

(e) Point where water will be returned to stream

V/R

8. Estimated cost of work:
(a) Head Gates, \$ _____ (b) Pumping plant, \$ _____
(c) Fluming, \$ _____ (d) Canal-earth, \$ _____ Rock, \$ _____
(e) Other structures _____ \$ _____ Total, \$ _____

9. Description of diversion works:

I. Nature of works: (Reservoir, dam, ditch, flume, pumping plant, etc.) *3" pump with 20hp Electric motor 1/4 mile to 1/4 mile of 4" w/30*

II. Dimensions of works. *Rain bird sprinkler heads*

(a) Dam: Height _____ feet; length at bottom _____ feet; length at top _____ feet; thickness at bottom _____ feet; thickness at top _____ feet; slope at front water face _____; slope at back face _____ material used in construction _____
(b) Reservoir: Capacity when filled _____ acre feet. Surface area at highwater mark _____ acres.

DEPTH AT OUTLET-Feet	SURFACE AREA AT EACH DEPTH AT OUTLET-ACRES	FEET	ACRE-Feet CAPACITY

(c)* Head gate: Width _____ feet; height _____ feet; Material _____
(d) Canal: Total length _____ miles.

LOCATION BELOW HEADGATE	DEPTH	BOTTOM WIDTH	WIDTH AT WATER-LINE	GRADE PER MILE
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet
At _____ Mile	_____ feet	_____ feet	_____ feet	_____ feet

(Give dimensions where reductions in size are made.)

10. Time required for completion of work *not applicable* years.
11. Time required for complete applicatio. of water to the proposed beneficial use *not applicable* years.
12. Choice of newspaper for publication of notice of intention to appropriate *Not applicable*

STATE OF SOUTH DAKOTA
County of *Hughes* ss.

I, *Thomas Stephens*, being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of owner, that I have read the above foregoing statement, examined the map accompanying the same, and that I know of my own personal knowledge that the matters therein stated and shown are true.

Signed *Thomas Stephens*
Subscribed and sworn to before me this *5th* day of *June* 19 *54*
N. E. Bowers
Notary Public (or other qualified officer.)

*Each diversion must have a headgate or measuring device.
N. E. Bowers, Notary Public
My Commission Expires
July 25th, 1960.

Remarks by State Water Resources Commission:

"Vested right" claimed

STATE OF SOUTH DAKOTA
County of Hughes } ss.

Pierre, South Dakota, June 5, 1964

This is to certify that the foregoing application was received by the Commission at 1:00 o'clock

P.m. upon the 5th day of June, 1964

State Water Resources Commission

By:

for Gurton Jones
Chief Engineer, Executive Officer

Number of permit 730-1

Date of first receipt of application June 5, 1964

Date of return to applicant for correction, amendments or changes required as follows: —, 19—

Date of receipt of corrected application —, 19—

Date from which applicant may claim right 1952, 19—

Approved June 8, 1964, Recorded in Book 8 Page 204

This is to certify that we have examined the foregoing application for a permit to appropriate water of the State of South Dakota, and we hereby grant the same as stated herein, subject, however, to the following limitations and conditions:

1st. The equivalent of at least one-fifth of the work above specified is ~~not~~ completed ~~within the time specified~~

2nd. The whole of said work is ~~not~~ completed ~~within the time specified~~

3rd. The limit of time for proof of beneficial use of water appropriated in accordance herewith is

completed

4th. The water appropriated shall be used for the purpose of irrigation

5th. The prior right of all persons who, by compliance with the laws of the State of South Dakota, have acquired a right to the use of water must not be injuriously affected by this appropriation.

6th. The amount of the appropriation herein granted shall not exceed 1.0 cubic feet per second, neither shall it exceed the capacity of the above described system of diversion works, nor the least amount of water that experience may hereafter indicate as necessary for the production of crops in the exercise of the best husbandry; and further, said appropriation must be limited to not more than one-seventieth (1/70) of one cubic foot of water per second of time for each acre of land to which water ~~is~~ actually was

and beneficially applied for irrigation on or before June 30, 1955; said water to be used during the following described annual period:

April thru October

Witness my hand this 8th day of June, 1964

State Water Resources Commission

By:

for Gurton Jones
(Chief Engineer, Executive Officer

Certificate of Construction Issued June 8, 1964

Water License Issued June 8, 1964

STATE OF SOUTH DAKOTA

WATER LICENSE No. 730-1

WHEREAS, On the 5th day of June A. D. 1964

Thomas G. and Marvel E. Stephens

of St. Oage County of Lawrence and State of
 South Dakota duly made application (No. 730-1) to us for a Vested Right permit to use 1.0
 cubic feet per second of the waters of a spring and dugout adjacent to Falsebottom Creek
 County of Lawrence, State of South Dakota, for Irrigation
 purposes; and

WHEREAS, On the 8th day of June A. D. 1964
 Vested Right recognizing
 Permit No. 730-1 was issued to said applicant for the diversion of said water, and providing for the
 completion of the works of diversion therein described ~~XXXXXX~~
~~XXXXXX~~ and ~~XXXXXX~~ application to beneficial use of said
 water ~~XXXXXX~~
 and,

WHEREAS, On the 5th day of June A. D. 1964
 Vested Right
 the holder of said permit duly made proof of the completion of adequate works for the diversion of 1.00
 cubic feet per second of said waters, as evidenced by our Certificate No. 730-1
 dated June 8, 1964 confirming the completion of works of sufficient capacity for
 diverting and conveying to the place of intended use 1.0 cubic feet per second of water, with date of
 priority of 1952 ~~and~~ and,

WHEREAS, On the 5th day of June A. D. 1964
 proof was duly made of the application to beneficial use of 1.00 cubic feet per second of said water;
 for irrigation of 70 acres in portions of Sections 15 and 16, T7N, R3E

NOW, THEREFORE, By the virtue of the authority vested in us by the laws of the State of South Dakota,
We hereby grant and confirm to Thomas G. and Marval E. Stephens
of St. Onge the holder and owner of said Vested Right permit No. 732-1

a water right, dating from 1952 to the use of 1.00
cubic feet per second of the waters of a spring and dugout adjacent to Falsebottom Creek
in the County of Lawrence and State of South Dakota, or so much thereof as may be
necessary for the purposes hereinbelow mentioned, to be diverted at a point in the NE 1/4 SE 1/4, Section
16, T7N, R3E
and conducted to and upon portions of Sections 15 and 16, T7N, R3E, more specifically
described in the Certificate of Completion of Works

for the purpose of irrigation

subject, however, to the laws of the State of South Dakota applicable to a license for the use of the waters of the
State, and subject, also to the local or community customs, rules and regulations which have been or may be
adopted from time to time by a majority of the users from a common source of supply, canal or lateral from
which such water may be taken, when such rules and regulations have for their object the economical use of such
water.

WITNESS, My hand and seal of our office at Pierre, South Dakota,
this 8th day of June A. D. Nineteen
Hundred and Sixty-Four

State Water Resources Commission

By:

J. W. GRIMES
Chief Engineer, Executive Officer

STATE OF SOUTH DAKOTA

Water License No. _____

To _____

Source of Supply _____

County _____

Am't _____ c. f. s.

Point of Diversion _____

Place of Use _____

Purpose _____

Date of Priority _____

Recorded _____

in Book _____ of _____ Page _____

Permit No. 730-1Water Division No. 1 Belle Fourche River
Water District**Certificate of Completion of Works**

TO ALL WHOM IT MAY CONCERN:

This is to Certify, That Thomas G. and Marv E. Stephens

of St. Onge, County of Lawrence, and State of South Dakota,
the holder of Vested Right of Permit No. 730-1, issued upon Application
No. 730-1, bearing date of priority of 1952, authorizing the diversion of
1.0 cu. ft. per second of the waters of spring and dugout

County of Lawrence, State of South Dakota, at a point in the NE $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 16, T7N, R3E

for Irrigation

purposes, have fully complied with the provisions of the laws of the State of South Dakota relating to proof of
completion of the works of diversion set out and described in said Permit; that said works are found in satisfactory
condition for diverting and conveying to the place of intended use 1.0 cu. ft.

per second of water; and that the lands proposed to be irrigated by the use of said water are described as follows,
to-wit: all in T7N, R3E

Section 15	- NW $\frac{1}{4}$ SW $\frac{1}{4}$	12 acres
Section 16	- NW $\frac{1}{4}$ SE $\frac{1}{4}$	20 "
	NE $\frac{1}{4}$ SE $\frac{1}{4}$	22 "
	SE $\frac{1}{4}$ NE $\frac{1}{4}$	6 "
	SE $\frac{1}{4}$ SE $\frac{1}{4}$	8 "
Total	-	70 "

Witness my hand this 3th day of June A. D. 1964

State Water Resources Commission

By:

J. W. GRIMES

Chief Engineer, Executive Officer

Location No. _____

Water Division No. _____ Water District _____

Proof of Application of Water to Beneficial Use**PETITION OF HOLDER**

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Thomas G. & Marvel E. Stephens,
Dairy ranch, St Onge, S. Dak.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business (if a foreign corporation, give name and postoffice of statutory agent,) your position with reference to same, and your authority for appearing in its behalf.

Ans. _____

Ques. 3. State date of posting and date of recording notice of appropriation. 4252-1, 4253-1 & 4254-1Ans. Dry Draw notice posted 10-25-57 for pumping locations on
Falsebottom Creek.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Spring & digout adjacent to Falsebottom Creek in the
NE 1/4 Sec 16, T 7N, R 3E

Ques. 5. Describe your works of diversion giving length and height of each dam and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use, and date of completion of same.

Ans. 3" pump w/ 2 1/2 hp electric motor - 1/4 mile 6"
mainline & 1/4 mile 4" line w/ 30 Rainbird
sprinkler heads

Ques. 6. State for what purpose water is used and describe place of use. (if for irrigation, name each subdivision in which used, and number of acres in each subdivision that have ACTUALLY been irrigated with said water.)

Ans. irrigation of approximately 70 acres in
Section 16, T 7N, R 3E

Ques. 7. If for other than irrigation purpose, state how applied, amount of horse power generated, etc.

Ans. _____

Ques. 8. What is the minimum amount of water required for the use specified above?

Ans. 1.0 cfs

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. purchase

Ques. 10. State when, how, in what amount and to what extent, the water diverted under above mentioned permit has been used.

Ans. System was purchased in 1957 and water use started that summer, and has been used as needed since then.

(Sign) Lemuel Tipler

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in _____, County of Loup

State of South Dakota, on this 5th day of June A. D. 1964

Witnesses H. E. Bowers, Notary Public

My Commission Expires

I, the undersigned, do hereby certify that I am a duly ^{July 25th 1968} qualified elector residing in the immediate vicinity of the diversion work, designated in the foregoing testimony, that I have no interest in the works, water or land above described, that I have read the foregoing testimony and that I know of my own personal knowledge that the matters therein stated are true.

Location No. _____

**PROOF OF APPLICATION OF
WATER TO BENEFICIAL USE**

PETITION OF HOLDER

Amount of Water _____ c. f. s.

Source _____

County _____

Purpose _____

Place of Use _____

Date of recording _____

Received and filed _____

NOTICE OF TRANSFER OF WATER PERMIT

TO: ~~Water Rights~~ **WATER RIGHTS COMMISSION**
State Office Building No. 2
Pierre, South Dakota 57501

Date _____

1st Nov. 1976

This is to notify you that title to the lands described as follows:

This is to notify you that title to the lands described as follows:

Sec. 16 NW¹ SE¹ NE² SE¹ SE¹ SE¹ SE¹

Sec. 15 NW¹ SW¹ all in T7A¹ R3 E

formerly owned by Thomas G. Stephens & Marvel E. Stephens

has been transferred to T. Glenn Stephens & Dana E. Stephens

together with any rights to the beneficial use of water thereon as evidenced by Water Right Permit No. 730-1 as provided for in Section 61.0127 of the 1960 Supplement to the South Dakota Code of 1939.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit" in its appropriate file at the Water Resources Commission as evidence of the change of ownership.

A fee of one dollar is hereto attached to cover filing fees as required under Section 61.0159 of the 1960 Supplement to the South Dakota Code of 1939.

STATE OF SOUTH DAKOTA)
County of Lawrence) ss.

I, Thomas G. Stephens being first duly sworn on my oath depose and say: That my relation to the above described undertaking is that of Owner, that I have read the above foregoing statement, and I know of my own personal knowledge that the information herein stated is true.

Thomas T. Hume
(Signed)

Suscribed and sworn to before me this 15th day of April, 1951

J. D. Sullivan Jr.
(Notary Public)

1-26-82



RECEIPT

WATER RIGHTS COMMISSION

State of South Dakota

NO 4 7457

April 14, 1930

PIERRE,

RECEIVED OF Stephens, Quinn, Carr, Tschetter & Buckmaster, P.C., Attorneys,
117 5th Avenue, Belle Fourche, SD 57717

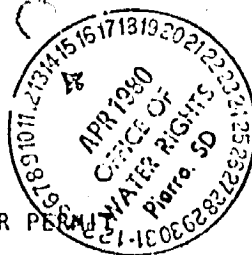
the following amount in fees for services rendered as provided for by law:

Fee for Application for Permit to Appropriate Water No. (examination, processing, recording and filing)	
Fee for Inspecting Construction, and Issuing Cert. of Construction No.	
Fee for Inspecting Beneficial Use, and Issuing Water License No.	
Fee for Issuing Location Certificate-Dry Draw, No.	
Fee for filing transfer of water right No. 730-1	2 50
Fee for certified copy of	
Fee for Print copy of map	
Fee for Certifying	
Fee for	
(any other work as provided by law)	
TOTAL	2 50

WATER RIGHTS COMMISSION

By *John Hatch*
Chief Engineer, Executive Officer
JOHN HATCH

FORM 20



NO. 730-1

NOTICE OF TRANSFER OF WATER PERMIT

TO: Water Rights
Foss Building
Pierre, SD 57501

Date: April 9, 1980

This is to notify you that the title to the lands described as follows:

T7N, R3E, BHM, Lawrence Co., S.D.-Section 15: NWSW4. Section 16: NW4SE4; NE4SE4;
SE4NE4; and SE4SE4.

formerly owned by T. Glenn Stephens and Dona F. Stephens, husband and wife,
has been transferred to Foothills Ranch, Inc., a South Dakota family farm corporation.
together with any rights to the beneficial use of water thereon as evidenced by
Water Right Permit No. 730-1 as provided for in SDCL 46-5-32 and 46-5-33.

You are therefore hereby requested to file this "Notice of Transfer of Water Permit"
in its appropriate file at the Office of the Board of Water Management as evidence
of the change of ownership.

A fee of Two Dollars and Fifty Cents (\$2.50) is hereto attached to cover filing fees
as required under SDCL 46-2-13.

STATE OF SOUTH DAKOTA)
County of Butte) ss.

I, T. Glenn and Dona F. Stephens being first duly sworn on my oath despose and say:
That my relation to the above described undertaking is that of Owner, that I have read
the above foregoing statement, and I know of my own personal knowledge that the infor-
mation herein stated is true.

T. Glenn Stephens
(Signed)

Dona F. Stephens

Subscribed and sworn to before me this 9th Day of April, 1980.

Thomas E. Carr
(Notary Public)

THOMAS E. CARR
Notary Public, Butte County, S. D.
My Commission Expires Sept. 25, 1980

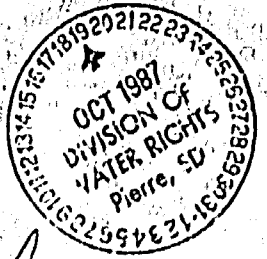
RECEIVED

730-1

St. Louis, Mo.
Oct. 13, 1987

Dept. of Water & Natural Resources
To Whom it may Concern:

Dear Sirs:



We at the Fairhill Ranch are very concerned about the St. Joe Mining Co. and the water that they will be using for their mining operation. We live on the same drainage and have a fear they may use the water that has been apportioned for us?

We hope that you will look out for our interests as well as the mining industry.

We also have a cabin about 1/2 mile north of the proposed mine in Burno gulch and are concerned about the contamination and possibly drying up of this source also.

Sincerely yours,

Fairhill Ranch Inc.
Alma Stokert

 **Department of
Water & Natural Resources**

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

September 21, 1988

NOTICE

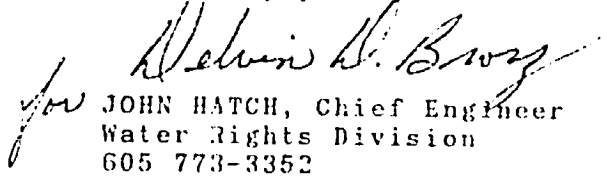
T. Glenn Stephens
Foothills Ranch Inc.
Rt 1, Box 63
St. Onge SD 57779

Dear Mr. Stephens:

I am writing to notify you that pursuant to the Notice of Intent to Validate Vested Water Right Claims dated June 20, 1988 that I intend to oppose validation of your water right claim No(s). 730-1 until a field inspection has been completed. The claim has either never been inspected or an inspection was conducted so long ago that a new inspection is needed. An inspection is needed to determine the current state of your vested water right claim.

A staff member from the Division of Water Rights will be contacting you and scheduling an inspection of your water project. If we can answer any questions, please contact us.

Very truly yours,


for JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

